

Order

**Michigan Supreme Court
Lansing, Michigan**

May 12, 2006

Clifford W. Taylor,
Chief Justice

128715
128283

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOHN R. JACOBS,
Plaintiff-Appellee,
v

SC: 128715
COA: 258271
Oakland CC: 91-405664-NO

TECHNIDISC, INC., and PRODUCER'S
COLOR SERVICES, INC.,
Defendants-Appellees,
and

MICHIGAN MUTUAL INSURANCE
COMPANY n/k/a AMERISURE MUTUAL
INSURANCE COMPANY,
Intervenor-Appellant.

MARCIA VAN TIL,
Plaintiff-Appellant,
v

SC: 128283
COA: 250539
Ottawa CC: 02-042717-NO

ENVIRONMENTAL RESOURCES
MANAGEMENT, INC.,
Defendant-Appellee.

On November 3, 2005, we granted leave to appeal in these cases and ordered that they be argued and submitted to the Court together. 474 Mich 913, 914 (2005). On May 2, 2006, the Court heard oral argument. On order of the Court, the parties are DIRECTED to file supplemental briefs, within 42 days of the date of this order, addressing the likely practical consequences that would result if this Court were to overrule *Sewell v Clearing Machine Corp*, 419 Mich 56 (1984). The supplemental briefs shall also discuss the factors that a court is to consider before overruling a prior decision, as set forth in *Robinson v City of Detroit*, 462 Mich 439, 464 (2000). In particular, the briefs shall discuss (1) the effect of overruling *Sewell*, *supra*, on reliance interests and whether overruling would work an undue hardship because of that reliance, and (2)

whether overruling *Sewell, supra*, would produce not just readjustments, but practical real-world dislocations. *Robinson, supra* at 466. Other participants that have previously submitted briefs in these cases, including the Workers' Compensation Law Section of the State Bar of Michigan, Michigan Defense Trial Counsel, Inc., the Michigan Trial Lawyers Association, and the Attorney General on behalf of the director of the Workers' Compensation Agency, are invited to file supplemental briefs on this issue within 42 days of the date of this order.

Other persons or groups interested in the possible overruling of *Sewell, supra*, may move the Court for permission to file briefs amicus curiae.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 12, 2006

Corbin R. Davis

Clerk